

MEMO ENDORSED

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BY FACSIMILE

September 9, 2008

Honorable P. Kevin Castel
 United States District Judge
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl St., Room 2260
 New York, NY 10007

Re: Electric Visual Evolution, LLC v. Electric Eel, Inc.
 07 Civ. 9321 (PKC)
 Our Ref. No. 112.201

Honorable Judge Castel:

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We are counsel for Plaintiff Electric Visual Evolution, LLC ("Electric Visual") in the above-referenced action. Electric Visual submits this letter jointly with Defendant Electric Eel, Inc. ("Electric Eel") to update Your Honor with regard to settlement negotiations and to request an adjournment of the Case Management Conference currently scheduled in this matter for September 12, 2008, at 10:30 a.m.

The parties believe they have reached an agreement in principle to settle the present litigation and currently are in final negotiations concerning details of the agreement. Accordingly, the parties anticipate that further involvement of the Court will not be necessary to resolve this litigation.

The parties request that the Case Management Conference scheduled for September 12, 2008, at 10:30 a.m. be adjourned pending conclusion of the settlement negotiations. Pursuant to Your Honor's Individual Practices, the parties advise that they submit this request jointly, this is the first request to adjourn the Case Management Conference and this request is not anticipated to affect any other dates in the current Case Management Plan.

Conference adjourned from September 12 at 11:30am to October 10 at 11:30am
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If Your Honor requires any additional information or has any additional questions,
please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David J. Lorenz", written in a cursive style.

David J. Lorenz

cc: Hon. Ronald L. Ellis, U.S.M.J. (Via First-Class Mail)
Charles P. LaPolla, Esq. (Via Facsimile)